

FIRST REGULAR SESSION

# HOUSE BILL NO. 665

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER (3).

1272H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to dental faculty permits.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 332.081, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 332.081 and 332.183, to read as follows:

332.081. 1. No person or other entity shall practice dentistry in Missouri or provide dental services as defined in section 332.071 unless and until the board has issued to the person a certificate certifying that the person has been duly registered as a dentist in Missouri or **the board has issued such certificate** to an entity that has been duly registered to provide dental services by licensed dentists and dental hygienists and unless and until the board has issued to the person a license, to be renewed each period, as provided in this chapter, to practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be so construed as to make it unlawful for:

(1) A legally qualified physician or surgeon, who does not practice dentistry as a specialty, from extracting teeth;

(2) A dentist licensed in a state other than Missouri from making a clinical demonstration before a meeting of dentists in Missouri;

(3) Dental students in any accredited dental school to practice dentistry under the personal direction of instructors;

(4) Dental hygiene students in any accredited dental hygiene school to practice dental hygiene under the personal direction of instructors;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene  
19 as defined in section 332.091;

20 (6) A dental assistant, certified dental assistant, or expanded functions dental assistant  
21 to be delegated duties as defined in section 332.093;

22 (7) A duly registered dentist or dental hygienist to teach in an accredited dental or dental  
23 hygiene school;

24 (8) **A person who has been granted a dental faculty permit under section 332.183**  
25 **to practice dentistry in the scope of his or her employment at an accredited dental school,**  
26 **college, or program in Missouri;**

27 (9) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in  
28 connection with dental services or dental surgery; ~~or~~

29 ~~[(9)]~~ (10) A person to practice dentistry in or for:

30 (a) The United States Armed Forces;

31 (b) The United States Public Health Service;

32 (c) Migrant, community, or health care for the homeless health centers provided in  
33 Section 330 of the Public Health Service Act (42 U.S.C. 254(b));

34 (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l))  
35 of the Social Security Act;

36 (e) Governmental entities, including county health departments; or

37 (f) The United States Veterans Bureau; or

38 ~~[(10)]~~ (11) A dentist licensed in a state other than Missouri to evaluate a patient or render  
39 an oral, written, or otherwise documented dental opinion when providing testimony or records  
40 for the purpose of a civil or criminal action before any judicial or administrative proceeding of  
41 this state or other forum in this state.

42 2. No corporation shall practice dentistry as defined in section 332.071 unless that  
43 corporation is organized under the provisions of chapter 355 or 356 provided that a corporation  
44 organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C.  
45 Section 501(c)(3) may only employ dentists and dental hygienists licensed in this state to render  
46 dental services to Medicaid recipients, low-income individuals who have available income below  
47 two hundred percent of the federal poverty level, and all participants in the SCHIP program,  
48 unless such limitation is contrary to or inconsistent with federal or state law or regulation. This  
49 subsection shall not apply to:

50 (1) A hospital licensed under chapter 197 that provides care and treatment only to  
51 children under the age of eighteen at which a person regulated under this chapter provides dental  
52 care within the scope of his or her license or registration;

53 (2) A federally qualified health center as defined in Section 1905(l) of the Social Security  
54 Act (42 U.S.C. 1396(d)(l)), or a migrant, community, or health care for the homeless health  
55 center provided for in Section 330 of the Public Health Services Act (42 U.S.C. 254(b)) at which  
56 a person regulated under this chapter provides dental care within the scope of his or her license  
57 or registration;

58 (3) A city or county health department organized under chapter 192 or chapter 205 at  
59 which a person regulated under this chapter provides dental care within the scope of his or her  
60 license or registration;

61 (4) A social welfare board organized under section 205.770, a city health department  
62 operating under a city charter, or a city-county health department at which a person regulated  
63 under this chapter provides dental care within the scope of his or her license or registration;

64 (5) Any entity that has received a permit from the dental board and does not receive  
65 compensation from the patient or from any third party on the patient's behalf at which a person  
66 regulated under this chapter provides dental care within the scope of his or her license or  
67 registration;

68 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of  
69 the Internal Revenue Code, as amended, that engages in its operations and provides dental  
70 services at facilities owned by a city, county, or other political subdivision of the state at which  
71 a person regulated under this chapter provides dental care within the scope of his or her license  
72 or registration.

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74 If any of the entities exempted from the requirements of this subsection are unable to provide  
75 services to a patient due to the lack of a qualified provider and a referral to another entity is  
76 made, the exemption shall extend to the person or entity that subsequently provides services to  
77 the patient.

78 3. No unincorporated organization shall practice dentistry as defined in section 332.071  
79 unless such organization is exempt from federal taxation under Section 501(c)(3) of the Internal  
80 Revenue Code of 1986, as amended, and provides dental treatment without compensation from  
81 the patient or any third party on their behalf as a part of a broader program of social services  
82 including food distribution. Nothing in this chapter shall prohibit organizations under this  
83 subsection from employing any person regulated by this chapter.

84 4. A dentist shall not enter into a contract that allows a person who is not a dentist to  
85 influence or interfere with the exercise of the dentist's independent professional judgment.

86 5. A not-for-profit corporation organized under the provisions of chapter 355 and  
87 qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization  
88 operating pursuant to subsection 3 of this section, or any other person should not direct or

89 interfere or attempt to direct or interfere with a licensed dentist's professional judgment and  
90 competent practice of dentistry. Nothing in this subsection shall be so construed as to make it  
91 unlawful for not-for-profit organizations to enforce employment contracts, corporate policy and  
92 procedure manuals, or quality improvement or assurance requirements.

93         6. All entities defined in subsection 2 of this section and those exempted under  
94 subsection 3 of this section shall apply for a permit to employ dentists and dental hygienists  
95 licensed in this state to render dental services, and the entity shall apply for the permit in writing  
96 on forms provided by the Missouri dental board. The board shall not charge a fee of any kind  
97 for the issuance or renewal of such permit. The provisions of this subsection shall not apply to  
98 a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42  
99 U.S.C. 1396d(l)).

100         7. Any entity that obtains a permit to render dental services in this state is subject to  
101 discipline pursuant to section 332.321. If the board concludes that the person or entity has  
102 committed an act or is engaging in a course of conduct that would be grounds for disciplinary  
103 action, the board may file a complaint before the administrative hearing commission. The board  
104 may refuse to issue or renew the permit of any entity for one or any combination of causes stated  
105 in subsection 2 of section 332.321. The board shall notify the applicant in writing of the reasons  
106 for the refusal and shall advise the applicant of his or her right to file a complaint with the  
107 administrative hearing commission as provided by chapter 621.

108         8. A federally qualified health center as defined in Section 1905(l) of the Social Security  
109 Act (42 U.S.C. 1396d(l)) shall register with the board. The information provided to the board  
110 as part of the registration shall include the name of the health center, the nonprofit status of the  
111 health center, sites where dental services will be provided, and the names of all persons  
112 employed by, or contracting with, the health center who are required to hold a license pursuant  
113 to this chapter. The registration shall be renewed every twenty-four months. The board shall not  
114 charge a fee of any kind for the issuance or renewal of the registration. The registration of the  
115 health center shall not be subject to discipline pursuant to section 332.321. Nothing in this  
116 subsection shall prohibit disciplinary action against a licensee of this chapter who is employed  
117 by, or contracts with, such health center for the actions of the licensee in connection with such  
118 employment or contract. All licensed persons employed by, or contracting with, the health center  
119 shall certify in writing to the board at the time of issuance and renewal of the registration that the  
120 facility of the health center meets the same operating standards regarding cleanliness, sanitation,  
121 and professionalism as would the facility of a dentist licensed by this chapter. The board shall  
122 promulgate rules regarding such standards.

123         9. The board may promulgate rules and regulations to ensure not-for-profit corporations  
124 are rendering care to the patient populations as set forth herein, including requirements for

125 covered not-for-profit corporations to report patient census data to the board. The provisions of  
126 this subsection shall not apply to a federally qualified health center as defined in Section 1905(l)  
127 of the Social Security Act (42 U.S.C. 1396d(l)).

128 10. All not-for-profit corporations organized or operated pursuant to the provisions of  
129 chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the  
130 requirements relating to migrant, community, or health care for the homeless health centers  
131 provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b)) and federally  
132 qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security  
133 Act, that employ persons who practice dentistry or dental hygiene in this state shall do so in  
134 accordance with the relevant laws of this state except to the extent that such laws are contrary  
135 to, or inconsistent with, federal statute or regulation.

**332.183. 1. The board may issue a dental faculty permit to an individual who is  
2 employed by an accredited dental school, college, or program in Missouri. The holder of  
3 a dental faculty permit shall be authorized to practice dentistry in accordance with section  
4 332.071 only within accredited dental school programs and only while engaged in teaching  
5 didactic courses, preclinical laboratories, and supervising student-delivered patient care  
6 at an accredited Missouri dental school, college, or program.**

**7 2. The holder of a dental faculty permit shall not receive any fee or compensation  
8 for the practice of dentistry, other than any salary or benefits received as part of his or her  
9 employment with the accredited Missouri dental school, college, or program and shall not  
10 engage in the private practice of dentistry for any fee or compensation.**

**11 3. To qualify for a dental faculty permit, an applicant shall:**

**12 (1) Be a graduate of and hold a degree from a dental school. An applicant shall not  
13 be required to be a graduate of an accredited dental school as defined in section 332.011;**

**14 (2) Submit to the board an affidavit from the dean of the accredited Missouri  
15 dental school, college, or program confirming the individual's employment as a teacher or  
16 instructor at the accredited Missouri dental school, college, or program;**

**17 (3) Submit to the board an affidavit stating that he or she will only practice  
18 dentistry within the course and scope of his or her teaching responsibilities and will not  
19 practice dentistry for any fee or compensation other than any salary or benefits received  
20 as part of his or her employment with the accredited Missouri dental school, college, or  
21 program;**

**22 (4) Pass a written jurisprudence examination given by the board on the Missouri  
23 dental laws and rules with a grade of at least eighty percent; and**

**24 (5) Submit to the board a completed application on forms provided by the board  
25 and the applicable fees as determined by the board; and**

26           **(6) Document satisfactory completion of an American Dental Association-**  
27 **accredited postdoctoral training program that is a minimum of twelve continuous months**  
28 **in length; or**

29           **(7) Have passed the National Board Examination in accordance with the criteria**  
30 **established by the sponsoring body.**

31           **4. The board may waive the requirements under subdivision (6) or (7) of subsection**  
32 **3 of this section, at the request of the applicant, based on the applicant's portfolio of cases**  
33 **completed and documentation that the applicant held a license to teach dentistry in another**  
34 **state within a year of applying to teach dentistry in Missouri. The board shall only waive**  
35 **the requirements under this subsection if the board determines, based on the information**  
36 **provided in this subsection, that the applicant has a similar level of knowledge and**  
37 **experience as persons who have met the requirements under subdivision (6) or (7) of**  
38 **subsection 3 of this section.**

39           **5. A dental faculty permit shall be renewed every two years and shall be subject to**  
40 **the same renewal requirements contained under section 332.181.**

41           **6. A dental faculty permit shall be subject to discipline in accordance with section**  
42 **332.321 and shall be automatically cancelled and nullified if the holder ceases to be**  
43 **employed by the accredited Missouri dental school, college, or program.**

44           **7. The board shall promulgate rules to implement the provisions of this section.**  
45 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
46 **under the authority delegated in this section shall become effective only if it complies with**  
47 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
48 **This section and chapter 536 are nonseverable, and if any of the powers vested with the**  
49 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
50 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
51 **rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be**  
52 **invalid and void.**

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